

Virginia Regulations for Solid Waste Management Regulations
9VAC20-80 – Amendment 6
Technical Advisory Committee Public Hearing July 20, 2006

Facilitator: Jeffrey Steers – DEQ

Technical Advisory Committee Members

Richard Cheliras – SPSA, Solid Waste Association of North America

Cathleen Hall – SCS Engineers

Dan Jordanger – Hunton & Williams

Joe Levine – New River Resource Authority

Elizabeth Lohman – DEQ, WCRO

Mike Town – Sierra Club of Virginia

Shawn Davis - DEQ

Lee Wilson – Virginia Waste Industries, Waste Management

Mark Bingham – 623 Landfill

Jeffery Crate was not able to attend; Richard Cheliras attended in his place. Also present were Jenny Payne, Joyce Engineering and Mark Bingham, 623 Landfill. Other names that appear in today's notes are the names of DEQ staff members that were present to answer questions raised by the TAC: Leslie Beckwith and Bob Wickline.

Today's meeting notes:

Jeffrey Steers began the meeting by stating that the TAC would be addressing the issues related to unauthorized wastes that were discussed in the February meeting such as training, waste loads to be inspected, pads, transfer facilities, and further defining the issues in the revised Section 113.

Bob Wickline explained that revised section 113 will incorporate existing small parts of the text in Sections 250 and 370 dealing with unauthorized waste so that all issues dealing with unauthorized waste are in one section. Section 113 will apply to all facilities that receive waste and not just sanitary landfills and incinerators. All facilities must implement a new unauthorized waste program, including a control plan, and an implementation date needs to be proposed. Discussion regarding the date brought out the following points: minor changes to control plan can be done quickly, but major changes will take much longer, moderate changes will take 6 to 12 months; if capital projects are required, implementing a program could take a couple of years; is the plan formally an amendment to the permit or is it a minor amendment (this depends on whether it reflects a change in permit or is simply a change in the operating record.) Alternate language will be presented for discussion at the next meeting.

The group next discussed the wording of Section A.2. A suggestion made was to change "shall modify" to "revise and put in operating record." Discussion followed on how this would affect a facility with a one page permit, a substantially large permit, and a facility without a plan. There was discussion whether this requirement would change what is in the current permit. A question

regarding notification was raised. If a facility never had to do this before and there is no formal approval process, how would VDEQ know that they did it until there was a formal routine inspection? Would there be agency input before a facility makes a capital outlay? Bob Wickline pointed out that it could be done without a formal approval process through inspections. The plan could be self-implementing, placed in the operating record, checked during inspections, and DEQ make comments for revisions. Jeff Steers recommended holding off on further discussion and that it could be decided later if the plan may be self-implementing or require approval by DEQ.

The group next discussed Section A.3. The program description provides for detail procedures and references other documents necessary to describe the program. It was pointed out that there is no standard for everyone and that “other documents necessary” is unclear and who would make the determination as to what documents are necessary. It was suggested that a facility uses what they have. The question was raised about training and would the department determine if the training were suitable or is it the responsibility of the facility to determine. Jeffery Steers read from the notes of the first TAC meeting that inspectors should have a reasonable understanding of recognizing hazardous wastes possibly through OSHA classes or other training. Classes should be structured, verifiable and include an understanding of the regulation. The inspector would sign off to the level of their training and that they found no unauthorized waste. Specific training programs were discussed. It was suggested that the regulation should address the elements of the written plan for training such as how to conduct the inspection, how to respond, contain, reject, and document the inspection. The regulation should provide the framework for consistency, but each facility will be unique. Bob Wickline inquired if SWANA has a training manual for unauthorized waste. Richard Cheliras responded that there is a training manual, but that one appropriate method cannot be mandated.

Jeffrey Steers moved the group onto Section 113.B. Bob Wickline presented a summary of Section B and the “restricted wastes” that may be managed by a facility sited, designed, constructed, and operated for their control. The TAC proceeded to go through each item and provided the following comments and conclusions:

- B.1., B.2, B.3, B.4. These items were discussed without objection. It was suggested to add wording “...liner and leachate collection system equivalent to or better than those required in 9 VAC 20-80-250 B for B 2, 3, and 4.
- B.5. Contaminated compost is an issue. The TAC agreed that this issue could be better handled in the special waste section.
- B.8. Household hazardous wastes are exempted when collected as household wastes. The goal of this section is to eliminate the commercial stream of mercury-containing lamps, light bulbs and mechanical devices. There are many difficulties that must be addressed regarding the handling and accumulation of these wastes. Alternatives for handling need to be provided. Also the public needs to be educated on disposal of mercury lamps. Mercury is a priority in Virginia. The TAC agreed that this item is difficult to enforce, but needs to be revised and worded so that if a facility meets the intent there are no enforcement consequences. There was a consensus to leave this item in.

- B.10. Sludges. The moisture content is more of an issue than the number of cubic yards to be disposed. Beth Lohman will provide draft language that the TAC will consider at the next meeting. Also, the definition of sludge and industrial sludge will be reexamined by the TAC.
- B.11. The consensus of the TAC was to eliminate this item. The purpose of the item was to distribute carcasses so that no huge pockets of gas or subsidence are created in the landfill. Landfills receive carcasses from VDOT, veterinarians, and chicken houses and they do not know when shipments will arrive or the amount. Normally, they do not have a problem with disposal.
- B.7 and B.12. The TAC agreed that it would examine the 2005 data received from the Solid Waste and Information Assessment (SWIA) before making a final conclusion. [Note July 31: Shawn reports on assigned task to follow-up on B.7 (e.g., amount of industrial waste received per Form 50-25s) that SWIA data shows:
 - 2005 - 949,599.84 tons
 - 2004 - 981,839.65 tons
 - 2003 - 991,885.22 tons

It is important to recognize captive industrial landfills do not report info to DEQ under SWIA, there are ~25 captives in VA.]

- B.13. This item requires that drums be empty and crushed flat before disposal. The intent is to prevent unauthorized waste from being landfilled and protect workers at landfill from exposure to unknowns. Drums used for backyard burning and garbage type drums are a problem for the landfills; these usually re rusted out and contain no residual gas or flammable material. Lee Wilson will send Bob Wickline some draft language for the TAC to consider. [Note July 31: Lee sent the following suggestion, "Drum disposal is prohibited unless the drum(s) are empty with one end removed and crushed; have been used as burn barrels; or are the plastic / fiberboard containers which have been used as waste receptacles prior to delivery to the solid waste facility."]
- B.15. The consensus of the TAC was to remove this item.
- B.16. Exempt free liquids from incinerators. Some free liquids have good BTU value. Federal requirements state that 30% of the waste at a minimum must be municipal solid waste and 70% other material. Some facilities are permitted to accept free liquids that are bulked with material such as sawdust. There was a consensus to leave this item in.
- B.18. Many TAC members would like to see this item deleted. Landfills receive consumer goods that include containerized or packaged liquids (e.g. milk, beer, etc.) for disposal that are no longer marketable; removing the liquid before disposing raises the disposal costs; another benefit is it accelerates the landfill gas decomposition. There was disagreement in the TAC as to whether or not contained liquids are "normal" waste and should be handled as industrial waste. No consensus was reached.
- B.19. The TAC discussed when and if dredged material can be managed as solid waste or special waste. Issues raised by the TAC: the Army Corps of Engineers has regulations about dredging; what to do with contaminated soils, storm water drain cleaning, and silt basins; and some dredge material is special waste. Bob Wickline will present draft language at the next meeting.

- D. The TAC agreed that this section needs clarification if a facility needs authorization to accept out-of-state waste or just be aware. Waste from different states may be equivalent, but the regulations may not be. D.2. Change “petitioned” to “notified.”
- E. The TAC had considerable discussion on collection of data, costs to localities, and obligations beyond permit requirements. Some thought “screening” may be a better term versus “inspection.” No consensus was reached.
- F. The TAC agreed that 1%, not 2%, of all deliveries should be inspected on a weekly basis; the 10% for other jurisdictions would remain as it is currently. The TAC did not reach consensus on F.1, 2 or 3 and may discuss them during its next meeting.

The meeting was adjourned at 3:55 p.m.

The TAC agreed to meet on Friday, August 25 at DEQ’s Piedmont Regional Office.